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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,147	06/26/2001	Anatole Shamrakov	JP920000426US1	2206

7590 03/15/2006

ANTHONY ENGLAND  
1717 WEST SIXTH STREET  
SUITE 230  
AUSTIN, TX 78703

EXAMINER
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GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,147

Applicant(s)

SHAMRAKOV, ANATOLE

Examiner

Clement B. Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Esposito et al (Hereinafter Esposito U.S 6, 587, 838.

As per claim 1, Esposito discloses a business method for offering computer services to a plurality of vendors, by a service provider, said method comprising one or more services, supplied to said plurality of vendors substantially simultaneously, selected from the group consisting of:

hosting a computer application program;

providing an e-business capability for on-line business transactions between said vendors and other parties(see column 2 lines 4-59) and

providing an integration capability for integration of computer applications. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62)

As per claim 2, Esposito discloses wherein said selection is made by said vendors. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 3, Esposito discloses wherein said selection is implemented by said service provider. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 4, Esposito discloses wherein said computer application program

comprises an Enterprise Resource Planning (ERP) system. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 5, Esposito discloses wherein said e-business capability comprises the WebSphere- Commerce Suite. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 6, Esposito discloses wherein said other parties comprise parties selected from the group consisting of customers of said vendors; banks of said vendors; banks of said customers; business partners of said vendors; and banks of said business partners. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 7, Esposito discloses wherein said ERP system comprises the SAPTM ERP system. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 8, Esposito discloses wherein said integration capability integrates said computer application program and said e-business capability. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 9, Esposito discloses wherein said integration capability comprises the MQ Series TM integration solution. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 10, Esposito discloses wherein said integration capability integrates said e-business capability with a computer application program hosted at a remote vendor location. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 11, Esposito discloses a system for providing, by a service provider, computer services to a plurality of vendors comprising:  
processor means to host a computer application program for a plurality of vendors;

processor means to provide an e-business capability for on-line business transactions between said vendors and other parties(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) and processor means to provide, to a plurality of vendors substantially simultaneously, an integration capability for integration of computer applications; wherein said processor means to host a computer application program for a plurality of vendors(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62) said processor means to provide an e-business capability for on-line business transactions between said vendors and other parties; and said processor means to provide, to a plurality of vendors substantially simultaneously, an integration capability for integration of computer applications; are configured in accordance with a vendor selection from an offering comprising one or more services selected from the group consisting of:  
hosting a computer application program(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).  
providing an e-business capability for on-line business transactions between said vendors and other parties; and providing an integration capability for integration of computer applications(see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 12, Esposito discloses wherein said selection is made by said vendors. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 13, Esposito discloses wherein said selection is implemented by said service provider. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 14, Esposito discloses wherein said computer application program comprises an Enterprise Resource Planning (ERP) system. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines1-33 and column 10 lines 17-62).

As per claim 15, Esposito discloses wherein said e-business capability comprises the WebSphere® Commerce Suite. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 16, Esposito discloses wherein said other parties comprise parties selected from the group consisting of customers of said vendors; banks of said vendors; banks of said customers; business partners of said vendors; and banks of said business partners. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 17, Esposito discloses wherein said ERP system comprises the SAP-ERP system. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 18, Esposito discloses wherein said integration capability integrates said computer application program and said e-business capability. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 19, Esposito discloses wherein said integration capability comprises the MQ Series® integration solution. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

As per claim 20, Esposito discloses wherein said integration capability integrates said e-business capability with a computer application program hosted at a remote vendor location. (see column 2 lines 4-59 and column 3 lines 11-61 and column 7 lines 44-67 and column 8 lines 1-33 and column 10 lines 17-62).

### **Conclusion**

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Liddy Eder (US Patent 6, 026, 388) teaches user interface and other enhancements for natural language information retrieval system and method.

Kohorn US PATENT: 5, 508, 731) teaches generation of enlarged participatory broadcast audience.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

FEBRUARY 27, 2006

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3628*